

# **APPENDIX A**

## **Permanent Personnel**

### **EQUAL OPPORTUNITY EMPLOYMENT AND ASSIGNMENT**

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in employment and strives affirmatively to provide equal opportunity for all as required by state and federal law. The Board attempts to identify and overcome real or potential artificial barriers to employment, training, or promotional opportunities for its staff and applicants.

#### **Employment:**

The School Board strives to ensure a highly qualified staff (in terms of educational background and experience) that reflects the overall diversity (in terms of factors such as race, ethnicity and gender) of the pool of qualified candidates. In recruiting applicants for School Board positions, the School Board also encourages men and women to enter non-traditional occupational areas where their gender is under-represented.

The School Board continually develops and reviews job descriptions and entry qualifications in order to ensure that the tasks and duties required are reasonable and do not impose artificial barriers to qualified applicants.

It is the policy of the School Board that no person will be denied access, employment, training, or promotion on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability, and that merit principles will be followed.

The School Board offers inservice training programs designed to assist employees in achieving new competencies and/or promotion.

Personnel Management and Services will conduct job advertising and recruitment activities in a manner designed to apprise persons of diverse backgrounds relative to gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, disability, or who may be pregnant or experiencing pregnancy-related medical conditions, of the job advertised.

#### **Equitable Faculty Composition:**

It is the School Board's goal that every school have a diverse, high quality faculty (that is, instructional staff and counselors) that reasonably reflects the qualifications (in terms of advanced degrees, experience and teaching

out-of-field), experience and diversity (in terms of race, ethnicity and gender) of the pool of teachers at that grade level configuration districtwide.

**I. Hiring:**

To promote this goal, Personnel Management and Services will recruit a highly qualified and diverse applicant pool (See School Board Rule 6Gx13-4C-1.19). Personnel shall provide all site administrators with information concerning the entire pool of qualified applicants. In addition, site administrators shall seek to interview a broad range of candidates for all available positions. All hiring decisions should be made by the site administrator based on the applicants' qualifications and the needs of the school and not on the basis of race, ethnicity or gender. Site administrators should be provided with continual training opportunities on multicultural issues, interviewing techniques, effective recruitment and retention practices, and public policy and legal issues related to employment and equity in order to help them to make appropriate hiring decisions and to develop and maintain diverse faculties. In addition, the Board may provide financial or other incentives for highly-qualified teachers (such as those possessing advanced degrees, specialized training, or National Board certification or those demonstrating exceptional instructional abilities) who commit to teach for at least five years at a school having difficulty retaining an experienced and highly-qualified faculty or at schools with a relatively high percentage of low-income or low-performing students.

**II. Assignment  
And Transfer:**

To promote the goal of a diverse, highly-qualified faculty at each school, the overall diversity (in terms of factors such as educational background, experience, race, ethnicity and gender) of the school's staff may be considered as one factor in assessing requests for transfer to or from the school and in making assignments of teachers already hired by the M-DCPS. In addition, the Board may provide financial or other incentives for highly-qualified teachers (such as those possessing advanced degrees, specialized training, or National Board certification or those demonstrating exceptional instructional abilities) who commit to teach for at least five years at a school having difficulty retaining an experienced and highly-qualified faculty or at schools with a relatively high percentage of low-income or low-performing students.

**III. Monitoring  
And Accountability:**

Each year, Personnel Management and Services, School Operations, and Equal Educational Employment Opportunity and Diversity Compliance

(“EEEODC), jointly will establish goals for the qualifications and diversity of school faculties by grade level configuration. The EEEODC will also monitor and annually report the qualifications (in terms of factors such as advanced degrees, experience and teaching out-of-field) and the diversity (in terms of factors such as race, ethnicity and gender) of each individual school’s faculty. Each site administrator shall be responsible for ensuring that these goals are met to the extent practicable on an annual basis. As noted above, staff development activities for site administrators should be provided to support them in meeting this responsibility. Where a school fails to meet the M-DCPS annual goals in terms of the qualifications (that is, falls below a specified minimum in terms of education or experience or exceeds a certain maximum in terms of out-of-field teachers) or diversity (that is, fails to reasonably reflect school level district-wide averages in terms of race, ethnicity or gender) of its faculty for two consecutive years, the authority to hire teachers for and approve transfers to and from that school may revert to the Superintendent of Schools or his or her designee.

### **Employee Relations:**

The Board believes that democracy cannot be taught in the Miami-Dade County Public Schools without demonstrating its belief in democracy in the way the schools are operated.

All employees are hereby notified that they are expected to teach or work with other employees, to teach students, and to supervise or be supervised in their work by other employees without regard for the gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability of the individual. This is a unitary school system and should be understood as such by all persons connected with it.

It is understood that harassment or discrimination based on an employee's gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability is a violation of state and federal laws and a breach of the EEEODC policy, which shall be grounds for disciplinary action including but not limited to a discharge.

**Sexual harassment including same sex harassment**, is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. It is defined as a pattern of behavior that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; (2) submission to or rejection of such conduct by

an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Such conduct needs to be severe or pervasive.

**Complaints:**

Complaints alleging employment harassment or discrimination on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability should be referred to EEO/DC.

Specific Authority: 230.22(2); 230.23(22) F.S.

Law Implemented, Interpreted, or Made Specific: 112.042; 112.043; 230.23(5); 230.23005(6)(11); 230.33(7)(a),(b),(c),(d); 231.02 F.S.; 6A-19.010 FAC; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967, as amended; Equal Pay Act of 1963; Florida Educational Equity Act, F.S. 228.2001; the Americans With Disabilities Act of 1990; the Pregnancy Discrimination Act of 1978; the Florida Civil Rights Act of 1992; and the Family and Medical Leave Act of 1993.

**History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA**

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Amended: 8-19-81; 6-8-94; 8-25-99; 6-19-02

**Permanent Personnel****DISCRIMINATION/HARASSMENT: COMPLAINT PROCEDURES FOR EMPLOYEES****PROCEDURES FOR ASSURANCE OF COMPLIANCE  
WITH FEDERAL/STATE REGULATIONS/SCHOOL BOARD POLICIES  
OF NONDISCRIMINATION/HARASSMENT IN EMPLOYMENT****I. Purpose**

The School Board of Miami-Dade County, Florida, has established procedures to assure nondiscrimination in employment, and the elimination of harassment, including sexual harassment. It is the policy of the School Board that all employees will be treated with respect. Hostile treatment or violence against an employee because of his/her gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy or disability, will not be tolerated.

It is recognized that discrimination or harassment complaints by employees may arise from actual or perceived situations and circumstances related to the prohibition of discrimination. It is the intent of these procedures to assure that discrimination or harassment complaints are resolved in an expeditious, orderly, and equitable manner that serves to fulfill the letter and intent of the law. All administrators and principals are required to make a conscientious effort to fully consider and understand the nature and basis of the discrimination or harassment complaint of an employee and resolve it, to the satisfaction of the complainant, without delay or refer it, without delay, to the appropriate office for resolution. The initiation of a discrimination or harassment complaint by an employee will not be used as a basis for actions that adversely affect the complainant's standing in his/her work location. Additionally, participation in or assistance in the investigation of a complaint shall not be used as the basis for any adverse employment action on an employee.

Discrimination or harassment complaints made under the provisions of this rule will be handled using federal enforcement agencies' procedures and standards in the processing and investigation of discrimination/harassment charges and without extraneous administrative barriers. No anonymous complaints shall be accepted or processed. The complaint must be signed attesting that it is true to the best of the complainant's knowledge, information and belief. Any complainant who knowingly submits false information will be subject to disciplinary action. A record will be maintained of each discrimination or harassment complaint investigation to include the final disposition of each.

## II. Procedure for Filing Complaints

A School Board employee who has a reasonable and good-faith belief that he/she has been the subject of discrimination or harassment because of his/her gender, race, color, religion, ethnic or national origin, political beliefs marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability, shall communicate in writing the allegation(s) to his/her principal or supervising administrator.

If the employee does not feel comfortable discussing his/her complaint at the work site or next administrative level, the employee may file the complaint directly with the School Board's Civil Rights and Diversity Compliance (CRDC) office.

Due to the sensitive nature of sexual harassment complaints, employees may file such a complaint directly with the School Board's CRDC office.

If the complaint is submitted to the principal or administrator, the principal or administrator will be responsible for scheduling a meeting with the complainant to discuss the complaint. In the event the complaint involves the employee's principal or supervising administrator, the employee may go directly to the next level of administration, such as an Assistant/Associate/Deputy Superintendent. If the employee does not feel comfortable discussing his/her complaint at his/her work location, the employee may file the complaint with the next administrative level.

If the complaint is not resolved to the complainant's satisfaction after discussion with the principal or supervising administrator, or cannot be resolved at that level, the employee may appeal at the next level of administration, i.e., Assistant/Associate/Deputy Superintendent.

If the complaint is not satisfactorily resolved at the second level of administration, as determined by the employee, he/she may file a complaint with the School Board's CRDC office. The employee will be requested to provide to the School Board's CRDC office signed, specific information regarding the discriminatory or harassing action(s) or inaction(s), the basis (e.g., age, race, disability, etc.) for the action(s) or inaction(s), the alleged offender(s), witnesses, etc.

## III. Appeals

If the employee does not agree with the final determination made by the School Board's CRDC office, he/she may appeal the determination to the Superintendent's designee to hear such appeals by submitting a letter of appeal within 15 workdays of the date of the final determination.

## IV. Special Provisions

- A. Failure on the part of the employee to initiate and/or follow-up on a complaint in a timely manner may result in the complaint being considered abandoned. A complaint must be filed within 300 days of the alleged discriminatory act(s).
- B. Failure by a principal or appropriate administrator to address a complaint, within ten (10) workdays will automatically allow the complainant to move the complaint to the next level of administration.
- C. In general, School Board employees are obligated to perform their duties, as directed, while complaints are pending resolution.
- D. Records of an ongoing investigation shall remain confidential and not subject to disclosure pursuant to Chapter 119, Florida Statutes, until a final determination is made on the case.
- E. Suspensions, dismissals, and reductions in pay grade are not subject to federal/state regulations in the absence of discrimination.

This rule is intended to effect compliance with federal/state regulations, i.e., Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967, as amended; Equal Pay Act of 1963; the Florida Educational Equity Act, F.S. 1000.05; the Americans with Disabilities Act of 1990; the Pregnancy Discrimination Act of 1978; the Florida Civil Rights Act of 1992; and the Family and Medical Leave Act of 1993.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 1001.43(11) F.S.; 6A-19.009 FAC; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967, as amended; Equal Pay Act of 1963; the Florida Educational Equity Act, F.S. 1000.05; the Americans with Disabilities Act of 1990; the Pregnancy Discrimination Act of 1978; the Florida Civil Rights Act of 1992; and the Family and Medical Leave Act of 1993.

**History:****THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA**

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